Mr. Mark Speaks
President
WaterCraft Group Company
Yamaha Motor Corporation, U.S.A.

Testimony
Before the Committee on Resources
United States House of Representatives

Hearing on Personal Watercraft Use in the National Parks System
May 4, 2005

House Committee on Resources
National Parks Subcommittee
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10:00 AM
1334 Longworth House Office Building

Testimony for Mr. Mark Speaks
President, Yamaha Watercraft Group

Chairman Nunes, distinguished Members of the Committee, thank you for the opportunity to represent the personal watercraft industry in addressing this subcommittee today about a very important issue that affects 1.4 million boating families.

My name is Mark Speaks. I am the President of the Watercraft Group of Yamaha Motor Corporation, U.S.A.

Our company is based in Kennesaw, Georgia with R & D in Vonore, Tennessee and manufacturing in Newnan, Georgia. We have more than 975 employees who manufacture and distribute our personal watercraft under the brand name, WaveRunner.

In addition to my written testimony, I'd like to spend the next few minutes describing what personal watercraft are, how they have become one of the most environmentally friendly and popular boats for families, and the troubling situation concerning the stalled rulemakings in the National Parks System.

**The PWC Market:**

There are four major companies currently active in the personal watercraft market: Yamaha Kawasaki; Bombardier; and Honda.

Early generation personal watercraft were stand-up, single passenger vessels powered by conventional two-stroke engines. That was the PWC of many, many years ago. Detractors of the vessels still attempt to portray this outdated image of the product.

In fact, today's personal watercraft are vastly different. The vessels have evolved into larger sit-down models that accommodate up to three persons. The "typical" PWC owner is over 40 years old,

married, and is an experienced boater. Our family-oriented vessels account for 99 percent of the market while the old stand-ups account for less than 1 percent.

The table below, based on Yamaha sales and warranty information, shows how over the past decade, the three person PWC has become the market leader, owned mostly by families.

PWCs are more affordable and easier to transport, operate, and maintain than larger, costlier boats. Families use personal watercraft for many of the same recreational purposes as larger boats, including touring, water-skiing and wakeboarding, and even fishing. According to the National Survey on Recreation and the Environment, approximately 20 million Americans over the age of 16 consider riding pwc a part of their lifestyle. So, obviously a lot of Americans find PWC to be a great way to spend time with their families on the water.

Because they are jet-propelled, PWCs do not have exposed propellers that could injure swimmers or underwater sea life or vegetation. Several dolphin and manatee rescue organizations in the U.S. have found personal watercraft to be the safest vehicle for their important work. Yamaha and others in our industry have loaned PWCs to many of these organizations.

Each year we loan hundreds of pwc to a host of search and rescue, law enforcement, and other public safety agencies, where the vessels have proven invaluable.

**Evolution of PWC:**

In the past, PWCs were criticized over their sound and concerns about air and water emissions. Although we believe these criticisms were over-stated, our industry responded by investing tens of millions of dollars in new technologies that have made PWC among the cleanest and quietest boats on the water.

Industry wide, all newer model PWC use cleaner-running four-stroke or new technology two-stroke engines that have reduced emissions by at least 75 percent and in some cases more. In Yamaha's case, we already offer a full line of 4 stroke powered models from entry level products to our flagship. Our new models not only meet, but in many cases exceed the EPA's pending emission reduction standards

for model year 2006 vessels. Some PWC also meet the 2004 emissions standards established by the California Air Resources Board, which are more stringent that the EPA's.

We have also introduced new engine and sound-dampening technologies to contain and reduce PWC engine sound, including the "high pitch" that some folks complained about in the past. As a result of these efforts, today's PWC are 70% quieter and meet all applicable federal and state noise restrictions.

**All PWC sold comply with every single federal and state sound and emissions requirement.**

In addition to these technological achievements, our industry has worked hard to promote responsible, courteous operation of our vessels, through user education programs and model legislation that we encourage state legislatures to adopt. These initiatives include minimum operator age requirements, mandatory boating education, sunset curfews, and no-wake "buffer zones" around shorelines to protect swimmers, birds, and to minimize noise.

We have also worked closely with the United States Coast Guard and state boating law administrators to develop appropriate PWC performance and technical standards, uniform labels and warnings, and rental education materials.

These regulators have found us to be a model industry. We are eager to partner with other federal regulators in developing sound and effective ways to regulate PWC use on federally managed waters.

Importantly, the National Park Service's own environmental assessments have confirmed time and again that PWC use will neither impair nor significantly impact the environment or human health. Every park unit that has taken the time to evaluate PWC has decided that PWC use is appropriate, will not impair park resources, and should resume.

Through conducting individual, objective environmental assessment studies, fifteen park units have all come to this same conclusion in the last two to three years.

**National Park Service: Rulemaking Delays**

Unfortunately, critics of PWCs continue to use inaccurate and outdated information to justify banning PWC owners from operating their craft in areas where other forms of motorized boating are allowed.

For many families, a PWC **is** the only family boat they can afford – yet they are banned in places where more expensive boats can operate. As a result of these misguided efforts, families are being unfairly discriminated against and wrongly prevented from accessing their own public waterways.

Our experience with the National Park Service has been deeply frustrating on this point. In March 2000, the NPS banned PWC system-wide but allowed some PWC use to continue for a two year "grace period" in 21 units where other motorized boating was prevalent. The 21 units were supposed to evaluate PWC during this two-year period and, if appropriate, reauthorize continued PWC use after the grace period expired.

Due to a lawsuit brought by the Bluewater Network, the rule was effectively amended to require each of the 21 units to conduct a full NEPA analysis and complete a special rulemaking before reauthorizing PWC use. Not a single park complied with these costly, burdensome requirements within the grace period. As a result, PWC users were effectively banned throughout the park system -- including from units where other forms of motorized boating, such as cigarette speed boats, are allowed.

Five of the 21 park units immediately indicated that they had no intention to reauthorize PWC use, even though NPS had previously ruled that use of the vessels was presumptively appropriate in these units.

To date, only 15 parks units have completed a site-specific environmental assessment. As noted, every one of them has concluded that PWC use is appropriate in the unit and will neither impair nor significantly impact the park's natural resources or human health.

But only seven of these 15 park units have completed the rulemaking process and actually reopened to PWC users and their families.

The remaining eight units have inexplicably stalled in the rulemaking process with no sign of progress for yet another boating season.

In short, millions of PWC owners and users have been forced to wait three years past the deadline established in the NPS rule for these units to reopen, with no end in sight. There is simply no justification for this delay, given the NPS' own assessments of today's PWC.

Finally, I want to emphasize that we are not asking for indiscriminate access to park units. We are simply asking to be allowed back into park units where other forms of motorized recreational boating is permitted. This includes the 21 park units identified in the original rule, as well as places like Biscayne National Park in Miami, where all other motorized boats are allowed. Oddly, PWCs can also be used on the waters adjacent to the park's artificial boundaries, including other neighboring waters managed federally by NOAA. Perhaps the greatest irony about the PWC ban at Biscayne National Park is that while PWC are prohibited due to alleged and unfounded environmental impact, there is an operational nuclear power plant on the park's shoreline.

We want to work cooperatively with NPS to complete these rulemakings before the next boating season. We are not asking for special treatment -- only for a level playing field. Please allow the environmental assessments and rulemakings to happen in a timely manner, and let sound science and facts – **not bias** – decide.

Thank you.

## ATTACHMENTS TO TESTIMONY

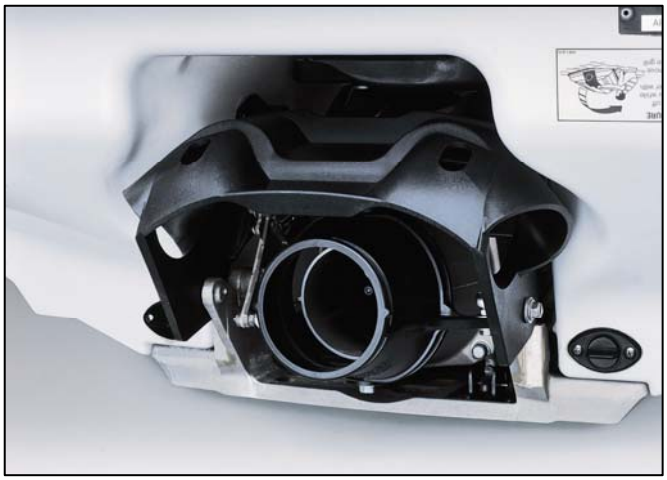


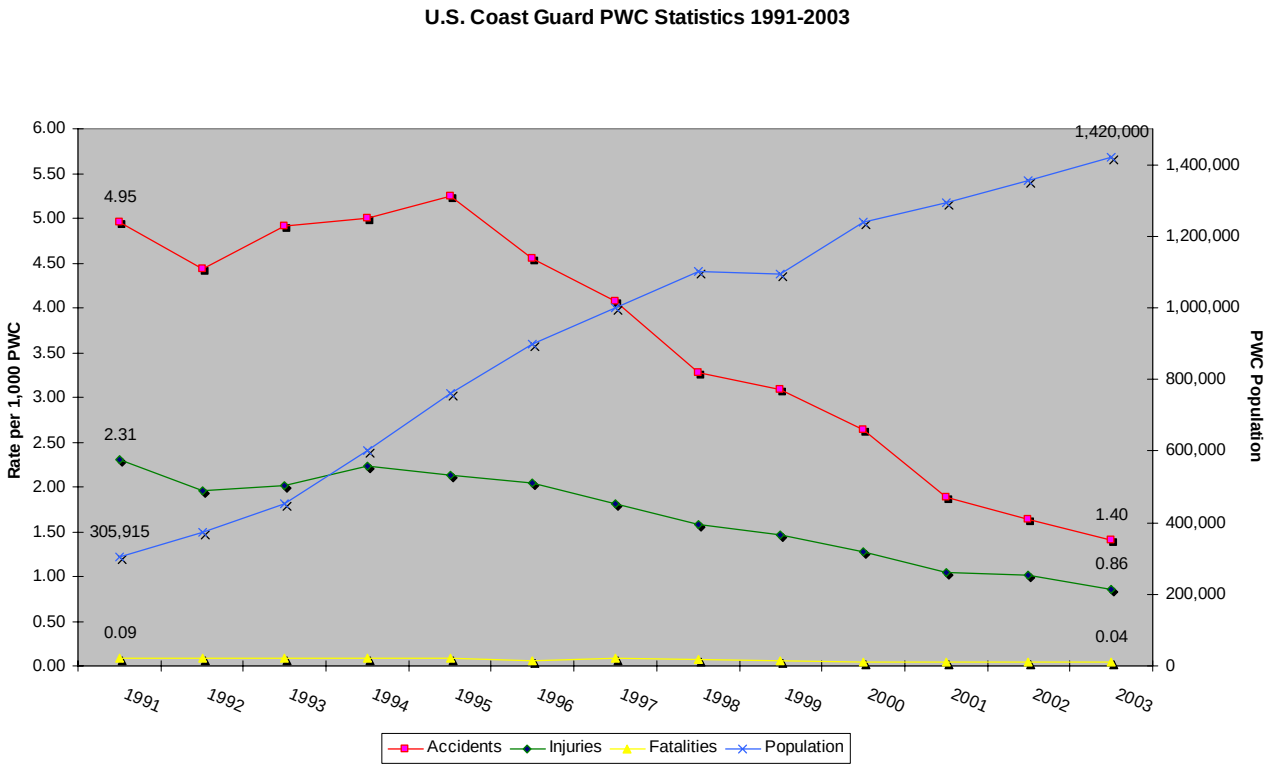
Image: PWC jet nozzle. PWC do not have exposed propellers.

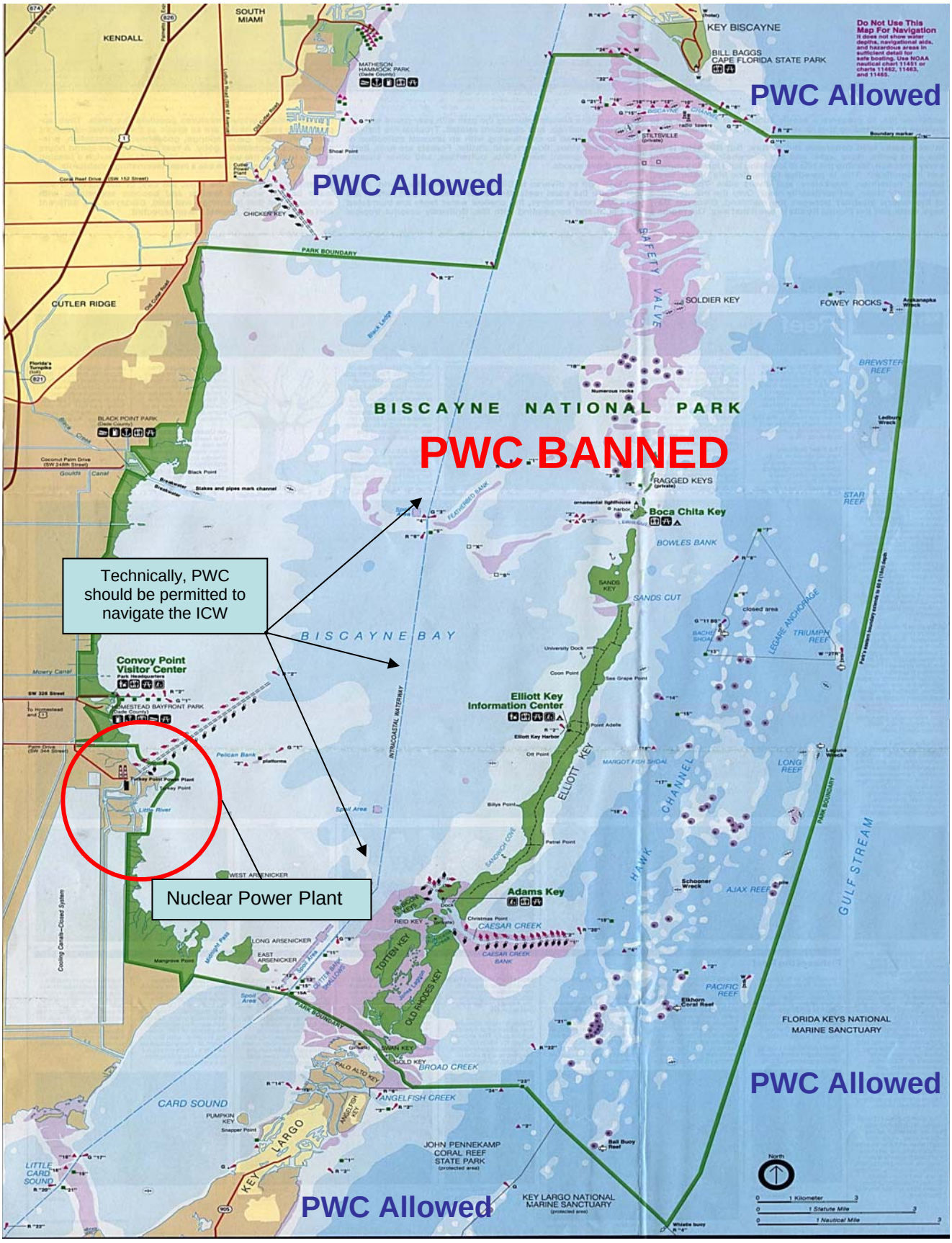

Images: 3-person PWC

The table below, based on Yamaha sales and warranty information, shows how over the past decade, the three person PWC has become the market leader, owned mostly by families.

| Year | Most Popular PWC | Customer Demographics | Top Uses |
|---|---|---|---|
| 1995 | 2 Passenger (60% of Market) | 37 years old/60% were married/36% had kids at home | Enjoying speed and power, jumping wakes and waves |
| 2005 | 3 Passenger (80% of Market) | 45 years old/73% are married/44% have kids at home | Taking long or short cruises, towing tubes |

The following table shows how despite a growing PWC population (1.4 million registered PWC in 2003), accidents involving PWC have consistently declined over the past decade.




PWC Allowed
PWC Allowed
PWC BANNED
Technically, PWC should be permitted to navigate the ICW
Nuclear Power Plant
PWC Allowed
PWC Allowed
KENDALL
SOUTH MIAMI
KEY BISCAYNE
BILL BAGGS CAPE FLORIDA STATE PARK
CUTLER RIDGE
SOLDIER KEY
FOWEY ROCKS
BISCAYNE NATIONAL PARK
RAGGED KEYS
Boca Chita Key
BISCAYNE BAY
Convoy Point Visitor Center
Elliott Key Information Center
Adams Key
ELLIOTT KEY
HAWK CHANNEL
GULF STREAM
FLORIDA KEYS NATIONAL MARINE SANCTUARY
CARD SOUND
KEY LARGO
JOHN PENNEKAMP CORAL REEF STATE PARK
KEY LARGO NATIONAL MARINE SANCTUARY

## BISCAYNE NATIONAL PARK – MIAMI, FL


Image: Turkey Point Nuclear Power Plant, located on Biscayne Bay in Biscayne National Park

Image: Container ship in Biscayne Bay

**News stories about the fuel barge that serves Turkey Point Nuclear Power Plant in Biscayne National Park. This fuel barge travels though the park's waters frequently and even once ran aground. Meanwhile, only PWC are banned for alleged environmental impact.**

Excerpt from The Boating News.
"Atlantic Intracoastal Waterway Woes," May 2, 2005
http://www.theboatingnews.com/intracoastal_wtrway.htm

*"In Biscayne Bay, south of Miami, the fuel barge with its tug plows a brown scar through the middle of Biscayne National Park almost every day to and from the Florida Power and Light nuclear plant at Turkey Point. The park service doesn't want any legal dredging of the bay because that could mean more boats could travel safely, disrupting the peace and quite enjoyed by park rangers.*

*The wealthy landowners who live on the way from the Port of Miami to Turkey Point don't want fuel trucks rumbling through their neighborhoods, so the tug and barge prevail. Should a manatee family or school of porpoise happen to get caught in the Biscayne Bay channel with the tug and barge, the risk of lethal impact ramifies. Meanwhile pleasure boat operators who get lost in the badly marked and improperly dredged Bay are fined up to $50,000 for running aground on the sea grass."*


Image: Photo of fuel barge in Biscayne National Park

Excerpt from The Miami New Times
http://www.miaminewtimes.com/issues/2000-09-21/news/feature_print.html#
Originally published by *Miami New Times* Sep 21, 2000

## In Too Deep

### Four years ago a dangerous chemical tanker ran aground in Biscayne National Park. The salvage operation that followed would go down in history.

**BY JACOB BERNSTEIN**

*"The Igloo Moon had run aground a little more than three miles from Key Biscayne inside Biscayne National Park. From Stiltsville she would have appeared peacefully at anchor. Yet on the way to her resting spot, the Igloo Moon had powered through enough coral reef to rupture four of its oil and diesel-fuel tanks. The ship carried about 100,000 gallons of diesel fuel and lube oil, much of it housed in tanks in a double-bottom hull. The release of the oil could kill untold numbers of birds and fish and damage productive mangroves for years to come."*

Table: Status of NPS Review and Rulemaking for PWC

| Park Unit | Draft EA/EIS Released | Draft Rule Released | Final Rule Released | Time From EA Release | Time from Final Rule Release |
|---|---|---|---|---|---|
| Lake Mead | April 24, 2002 | September 5, 2002 | April 9, 2003 | 12 months | 36 Months |
| Assateague | April 1, 2002 | May 6, 2002 | May 30, 2003 | 14 months | 38 Months |
| Lake Powell | September 14, 2002 | January 17, 2003 | September 26, 2003 | 12 months | 42 Months |
| Amistad | April 8, 2003 | October 22, 2003 | May 27, 2004 | 14 months | 50 Months |
| Lake Meredith | March 10, 2003 | December 12, 2003 | May 27, 2004 | 14 months | 50 Months |
| Lake Roosevelt | April 29, 2003 | February 6, 2004 | June 25, 2004 | 16 months | 51 Months |
| Chickasaw | March 10, 2003 | March 25, 2004 | September 2, 2004 | 18 Months | 53 Months |
| Pictured Rocks | July 22, 2002 | November 15, 2004 | ??? | ***33 months*** | 61 Months |
| Big Thicket | July 24, 2002 | ??? | ??? | ***33 months*** | 61 Months |
| Fire Island | September 5, 2002 | August 23, 2004 | ??? | ***31 months*** | 61 Months |
| Gateway | May 13, 2003 | ??? | ??? | 23 months | 61 Months |
| Curecanti | June 13, 2003 | ??? | ??? | 22 months | 61 Months |
| Bighorn Canyon | June 11, 2003 | May 5, 2004 | ??? | 22 months | 61 Months |
| Gulf Islands | April 19, 2004 | March 17, 2005 | ??? | 12 months | 61 Months |
| Cape Lookout | January 24, 2005 | ??? | ??? | ??? | 61 Months |
| Padre Island | ??? | ??? | ??? | ??? | 61 Months |
| **NPS commited to completing the PWC rulemaking process in 16 units on April 16, 2002** | | | | | |
| | **7 units are reopened to PWC; 5 additional units have published draft rules** | | | | |
| **4 units have published EA's, but no rules; 1 unit has yet to even publish an EA** | | | | | |

Table: Reduced PWC Emissions Achievements (industry wide)